

● PATENT COOPERATION TREATY ● 10/525430

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**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference   | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416) |  |
| International application No.<br>PCT/IB 03/05110  | International filing date (day/month/year)<br>24.10.2003   | Priority date (day/month/year)<br>28.10.2002 |
| International Patent Classification (IPC) or both national classification and IPC<br>B01D29/05, B01D29/05 |  |  |
| Applicant<br>MILLIPORE CORPORATION et al.   |  |  |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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|---|---|
| Date of submission of the demand<br><br>22.03.2004  | Date of completion of this report<br><br>27.04.2004   |
| Name and mailing address of the international preliminary examining authority:<br><br> European Patent Office<br>D-80298 Munich<br>Tel. +49 89 2399 - 0 Tx: 523656 epmu d<br>Fax: +49 89 2399 - 4465 | Authorized Officer<br><br>Telephone No. +49 89 2399-<br><br> |

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/IB 03/05110**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

**Description, Pages**

1-13 as originally filed

**Claims, Numbers**

1-11 as originally filed

**Drawings, Sheets**

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

|                               |             |      |
|-------------------------------|-------------|------|
| Novelty (N)                   | Yes: Claims | 1-11 |
|                               | No: Claims  |      |
| Inventive step (IS)           | Yes: Claims | 1-11 |
|                               | No: Claims  |      |
| Industrial applicability (IA) | Yes: Claims | 1-11 |
|                               | No: Claims  |      |

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/IB 03/05110

POINT V:

**Novelty and inventive step**

The closest state of the art is a mechanical support for a drainage device of a filter unit for microbiological testing of liquid substances, said filter unit being provided with a membrane and adapted to be mounted on that support so the membrane faces a reception surface of said mechanical support.

Commonly the filter cake and the membrane are dried after drainage by aspirating air through the filter cake and the membrane.

None of the documents give any hint to the idea to provide means within the mechanical support to be able to steam a gas from the outside of the mechanical support to the filtrate side of the membrane of the filter in case that the filter is mounted on the mechanical support for being able to dry the membrane from the filtrate side.

These means are defined in the characterizing portion of independent claim 1 and 11.

Thus the subject matter of claim 1 and 11 fulfil the requirements of Article 33(2) and 33(3) PCT.

**Problem of clarity arise however in the independent claims.**

Claim 1: For the intended successful operation of the claimed mechanical support a reception surface and an opening for the connection of the vacuum device, which is open to the reception surface, had to be defined.

Claim 11: At the beginning of claim 11 the reception surface has to be defined. In claim 11 the opening [for the connection of the vacuum device] (missing in claim 1) is actually defined but it is not clear that this opening is open to the reception surface and that this opening is for the connection of the vacuum device. The last feature of claim 11 is not clear with regard to the function of the transverse bore and the key means. The intended function with regard to the projecting vertical portion 46 (for the connection of the vacuum source) should be defined.